

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

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)
BRANDY HUDSON,)
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Plaintiff,)
)
)
v.) Case No. 1:11-cv-01384-JDB-egb
)
)
LAW OFFICE O L RYAN)
COPELAND, P.C., LINDSAY)
RYAN COPELAND, AND JOHN)
DOE(S),)
)
Defendants.)

REPORT AND RECOMMENDATION

The March 7, 2012 motion of Plaintiff Brandy Hudson for a default judgment against Defendants Law Office of L. Ryan Copeland, P.C., Lindsay Ryan Copeland has been referred to this Magistrate Judge for a report and recommendation and, if necessary, to hold a hearing as to damages and other relief sought by the Plaintiff.

This Complaint was filed on December 14, 2011 alleging four violations of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 *et seq.* It appears the Defendant Law Office of L. Ryan Copeland, P.C. and Defendant Lindsey Ryan Copeland were served with process on December 29, 2011. Neither has made an appearance or response.

There has been no response made by either Copeland Defendant regarding the entry of the Default by the Clerk of the District Court [D.E 8] or to the Motion for Default Judgment of the Plaintiff [D.E. 9].

Fed R. Civ. P. 55(b)(1) permits the Court Clerk to enter judgment for the amount that is due and costs against the Defendants. The qualification of this rule is that the amount claimed must be a sum that can be made certain by computation and that the amount due be established by affidavit. Such an affidavit of the attorney for Defendant is before the Court [D.E.9-3]. This document establishes that pursuant to the Fair Debt Collections Practices Act the Plaintiff is entitled to statutory damages of up to one thousand dollars, attorney fees and court costs if Plaintiff prevails. Here, Plaintiff seeks a total of \$4,709.85, comprising statutory damages of one-thousand dollar (\$1000.00), partial attorney's fees of \$3000.00 (of the \$4100.00 fees to date) and court costs of \$709.85.

Pursuant to the Magistrate Judge's March 28, 2012 Order, Plaintiff's attorney has now submitted an additional affidavit stating that Defendants are neither minors, incompetent persons, nor members of the military.

The report and recommendation of this Court is that Plaintiff be awarded a default judgment of \$1000.00, together with attorney fees of \$3000.00 and court costs of \$709.85 for a total default judgment of \$4,709.85.

Respectfully Submitted,

s/Edward G. Bryant
EDWARD G. BRYANT
UNITED STATES MAGISTRATE JUDGE

Date: May 23, 2012

ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT AND RECOMMENDATIONS MUST BE FILED WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THE REPORT AND RECOMMENDATIONS. 28 U.S.C. § 636(b)(1). FAILURE TO FILE THEM WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL.